

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUANA SIERRA

Plaintiffs,

- against -

AFFIDAVIT

CITY OF NEW YORK; NEW YORK CITY
DEPARTMENT OF BUILDINGS AND PATRICIA
LANCASTER, in her capacity as COMMISSIONER
OF NEW YORK CITY DEPARTMENT OF
BUILDINGS, NEW YORK CITY DEPARTMENT
OF HOUSING PRESERVATION AND
DEVELOPMENT, and SHAUN DONOVAN, in his
capacity as COMMISSIONER OF NEW YORK
CITY DEPARTMENT OF HOUSING
PRESERVATION AND DEVELOPMENT

07 Civ. 6769

Defendants.
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STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

MOON WHA LEE, being duly sworn, deposes and says:

1. I am the Assistant Commissioner for Housing Policy Analysis and Statistical Research of the New York City Department of Housing Preservation and Development ("HPD"), a position I have held since 1992. I received a Ph.D. in Urban Planning from Columbia University in 1983. In my position at HPD, I direct the projects on the New York City Housing and Vacancy Survey ("HVS"), conducted by the U.S. Census Bureau, to obtain valid, reliable data for planning, policy and program development for the housing and community development purposes of the Agency. I prepared the comprehensive Reports *Housing New York City: 1996, 1999, and 2002* and am preparing the forthcoming 2005 Report.

I also prepared the Selected Initial Findings of the 1993, 1996, 1999, 2002 and 2005 New York City Housing and Vacancy Surveys, submitted to the New York City Council for its determination as to whether a housing emergency continues to exist in New York City.

2. I submit this affidavit, which is based upon my personal knowledge of information contained in the 2005 New York City Housing and Vacancy Survey in support of the defendants' motion to dismiss the complaint and to refute plaintiff's contention that the only housing she can afford in New York City is a rooming unit.

3. The New York City Housing and Vacancy Survey, conducted by the U.S. Census Bureau, is required by New York City and New York State rent regulation laws to be conducted once every three years, to determine whether a housing emergency continues to exist in the City. The HVS is a sample survey and, thus, all data from the HVS are estimates that are subject to statistical sampling and non-sampling error.

4. According to the 2005 New York City Housing and Vacancy Survey ("2005 HVS"), which is the latest survey containing data on occupied and vacant rental housing in New York City, the number of vacant available rooming units is too small to be used in a statistically reliable manner, considering sampling and non-sampling errors. Rooming units are different from other rental units in that they do not contain both complete kitchen and bathroom facilities for the exclusive use of the household.

5. The median rent for all occupied and vacant rooming units as a whole in 2005 was \$644 (contract rent for occupied units and asking rent for vacant units). In her affidavit dated December 21, 2007, plaintiff stated the monthly rental payment of \$522.15 was affordable to her. Based upon this statement, she could not afford to live in a rooming unit today, even if such units were available.

6. According to the 2005 HVS, there were 7,318 vacant available rental units of all types in the City with a monthly asking rent less than \$600. The vast majority of these units were regular apartments, not rooming units.

7. According to the 2005 HVS, there were 4,388 vacant available rental units with a monthly asking rent of less than \$500. Virtually all of these units were regular apartments, not rooming units.

8. Thus, it is much more likely that the plaintiff would find a regular apartment at the rent she can afford than a rooming unit.

9. Based upon this data, plaintiff's contention that she will relocate to another rooming unit is highly improbable.

Moon Wha Lee

MOON WHA LEE

Sworn to before me this

2nd day of January, 2008



NOTARY PUBLIC

ALYSON L. LANZER
Notary Public State of New York
No. 02LA6106756
Qualified in New York County
Commission Expires March 15, 2008

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<p>UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK</p>	<p>JUANA SIERRA,</p> <p>Plaintiff,</p> <p>-against-</p> <p>THE CITY OF NEW YORK; NEW YORK CITY DEPARTMENT OF BUILDINGS; PATRICIA J. LANCASTER, in her capacity as COMMISSIONER OF THE NEW YORK CITY DEPARTMENT OF BUILDINGS; NEW YORK CITY DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT; SHAUN DONOVAN, in his capacity as COMMISSIONER OF NEW YORK CITY DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT; and EMAD IBRAHEM,</p> <p>Defendants.</p>
<p>AFFIDAVIT</p>	<p>MICHAEL A. CARDOZO Corporation Counsel of the City of New York Attorney for Defendant City of New York Address for Service of Papers 100 Church Street, Room 5-189 New York, N.Y. 10007</p> <p>Of Counsel: Jerald Horowitz Tel: (212) 442-0589 NYCLIS No. 2007-023070</p>